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3-1 AUG 2005

Docket: 186253/US -  
475387-00112

#6



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Robert A. Levine	
Appln. No.:	10/523,096	
Filed:	February 1, 2005	Examiner: TBD
Title:	CARDIAC DEVICES AND METHODS FOR MINIMALLY INVASIVE REPAIR OF ISCHEMIC MITRAL REGURGITATION	Group Art Unit: TBD

RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 37 C.F.R. § 1.53(b)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this day of August 26, 2005.

  
  
(Signature)

Sir:

This paper is filed in response to the Notification of Missing Requirements ("Notification") mailed July 1, 2005 for the above-identified application. Enclosed herewith, please find an executed Declaration by the inventor, Emmanuel Messas, which is filed for responding to the Notification. A check in the amount of \$65.00 is enclosed.


A copy of the Notification is enclosed.

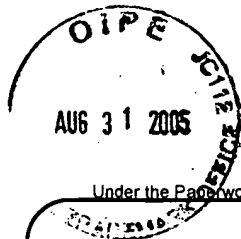
Respectfully submitted,

DORSEY & WHITNEY LLP

Date: August 26, 2005

By:

  
Gary Abelev (Reg. No. 40,479)  
DORSEY & WHITNEY LLP  
250 Park Avenue  
New York, New York 10177-1500  
(212) 415-9371



JC01 Rec'd PCT/PTO 31 AUG 2005

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/523,096
	Filing Date	February 1, 2005
	First Named Inventor	Robert A. Levine
	Art Unit	To be assigned
	Examiner Name	To be assigned
Total Number of Pages in This Submission	Attorney Docket Number	186253/US/2 - 475387-0112

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Executed Assignment and Assignment
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Recordal Return Receipt postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	DORSEY & WHITNEY, LLP Gary Abelev, Esq. (Reg No. 40,479)
Signature	
Date	August 26, 2005

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Gary Abelev, Esq.
Signature	Date August 26, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Rec'd PCT/PTO

31 AUG 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

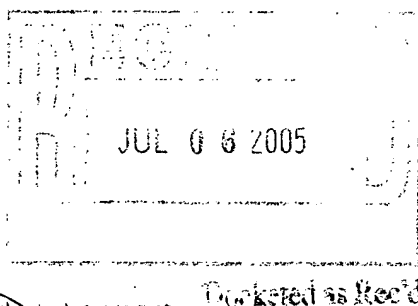
UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

Patent Mail Received

475387-112

U.S. APPLICATION NUMBER NO. 10/523,096	FIRST NAMED APPLICANT JUL 28 2005 Robert A Levine	ATTY. DOCKET NO. 29838-102
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26486  
 PERKINS, SMITH & COHEN LLP  
 ONE BEACON STREET  
 30TH FLOOR  
 BOSTON, MA 02108



INTERNATIONAL APPLICATION NO. PCT/US03/24367	
I.A. FILING DATE 08/01/2003	PRIORITY DATE 08/01/2002

CONFIRMATION NO. 8398

371 FORMALITIES LETTER



\*OC000000016414753\*

Date Mailed: 07/01/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/01/2005
- Copy of the International Search Report filed on 02/01/2005
- Oath or Declaration filed on 02/01/2005
- Small Entity Statement filed on 02/01/2005
- U.S. Basic National Fees filed on 02/01/2005
- Substitute Specification filed on 02/01/2005
- Priority Documents filed on 02/01/2005
- Specification filed on 02/01/2005
- Claims filed on 02/01/2005
- Abstracts filed on 02/01/2005
- Drawings filed on 02/01/2005

DOCKETED

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - Inventor signature missing: Emmanuel Messas
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

## PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,096	PCT/US03/24367	29838-102

FORM PCT/DO/EO/905 (371 Formalities Notice)

Effective on 12/08/04

# FEE TRANSMITTAL SHEET (FY 2005)

Rec'd PCT/PTO 31 AUG 2005

Complete if Known

Application No.	10/523,096
Filing Date	February 1, 2005
First Inventor	Robert A. Levine
Group Art Unit	To be assigned
Examiner Name	To be assigned
Atty. Docket Number	186253/US/2 - 475387-00112

☒ Applicant claims small entity status (see 37 C.F.R. 1.27)

## METHOD OF PAYMENT (Check One)

☒ Check ☐ Credit Card ☐ Money Order

☒ Deposit Account No.: 50-2054

Deposit Account Name: DORSEY &amp; WHITNEY LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17

☒ Credit any overpayments

☐ Other (please identify):

## Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	-	=	x \$	= \$
Ind.	-	=	x \$	= \$
Multiple Dependent Claims	-	=	x \$	= \$
Subtotal (Extra Claims)				\$

## Petition Fee Under 37 CFR 1.17(f), (g), &amp; (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

- ☐ Petition Fee under 37 CFR 1.17(f) **Fee \$400**  
 § 1.53(e) to accord a filing date.  
 § 1.57(a) to accord a filing date.  
 § 1.182 for decision on a question not provided for.  
 § 1.183 to suspend the rules.  
 § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.  
 § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.
- ☐ Petition Fee under 37 CFR 1.17(g) **Fee \$200**  
 § 1.12 for access to an assignment record.  
 § 1.14 for access to an application.  
 § 1.47 for filing by other than all inventors or person not the inventor.  
 § 1.59 for expungement of information.  
 § 1.103(a) to suspend action in an application.  
 § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.  
 § 1.295 for review of refusal to publish a statutory invention registration.  
 § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.  
 § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.  
 § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.  
 § 5.12 for expedited handling of foreign filing license.  
 § 5.15 for changing the scope of a license.  
 § 1.5.25 for retroactive license.
- ☐ Petition Fee under 37 CFR 1.17(h) **Fee \$130**  
 § 1.19(g) to request documents in a form other than provided in this part.  
 § 1.84 for accepting color drawings or photographs.  
 § 1.91 for entry of a model or exhibit.  
 § 1.102(d) to make an application special.  
 § 1.138(c) to expressly abandon an application to avoid publication.  
 § 1.313 to withdraw an application from issue.  
 § 1.314 to defer issuance of a patent.

## FEE CALCULATION (Continued)

## 3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	65.00
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	40.00
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
130	65	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
130		Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	

OTHER FEE (specify)

Subtotal (Additional Fees)

Total Amount of Payment: \$105.00

09/07/2005 GFREY1 00000127 10523096

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65.00 00

Submitted by:

CUSTOMER NUMBER  
30873

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Signature:

Reg. No.: 40,479

Date: August 26, 2005